

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
August 6, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

David Shawcroft, Utah County Deputy Attorney
Dianne Orcutt, Utah County Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Joshua K. Ivie, Supervising Deputy Clerk
Sandy Hoffman, Utah County Assessor's Office
Jim Stevens, Utah County Assessor's Office
Dr. Joseph K. Miner, Health Department Exec. Director
Toni Carpenter, Utah County Health Department
Sadie Tengelsen, Utah County Health Department
Robert Johnson, Drug&Alcohol Prevention&Treatment
Richard Nance, Drug&Alcohol Prevention&Treatment
Richard Nielson, Utah County Public Works Director
Don Nay, Utah County Public Works Assoc. Director

Bryce Armstrong, Community Development
Lana Jensen, Utah County Personnel Director
Mark Brady, Assistant Personnel Director
Jane Ivie, Personnel Office
Julie Rollins, Utah County Purchasing Agent
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Mike Forshee, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Robert C. Kirk, Utah County Treasurer
Clark Merkley, Leavitt Group Insurance Advisors
Ruby Morey, -No further information given-
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:06 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Gary J. Anderson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Larry A. Ellertson, Utah County Commissioner

CONSENT AGENDA

1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH INTERCARE, LLC FOR MEDICATION MANAGEMENT SERVICES, VOIDING AND REPLACING AGREEMENT NO. 2013-446

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MAINTENANCE AND SUPPORT AGREEMENT WITH COMPELLENT FOR THE DATA STORAGE SYSTEM

Commissioner Ellertson requested that Consent Agenda Item No. 2 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN PROVO CITY AND UTAH COUNTY FOR THE 2013 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

Commissioner Ellertson requested that Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

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4. APPROVE REQUESTED EXEMPTIONS ON LIST DATED JULY 30, 2013, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS LESS THE \$4,000 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2013

5. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60293, DATED AUGUST 1, 2013

6. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE

7. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2013-13

Commissioner Anderson requested that Consent Agenda Item No. 7 be continued to the next meeting of the Board.

CONTINUED TO AUGUST 13, 2013

8. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT

9. APPROVE THE MINUTES OF THE JULY 30, 2013 COMMISSION MEETING

Commissioner Ellertson requested that Consent Agenda Item No. 9 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

10. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 710	July 29, 2013	Direct Deposit:17340-17340	Total: \$	59,081.78
Register No. 711	July 29, 2013	Check Nos. 183353-183363	Total: \$	8,926.00
Register No. 712	July 30, 2013	Purchasing Cards 539-547	Total: \$	2,141.09
Register No. 713	July 30, 2013	Check Nos. 183364-183375	Total: \$	2,996.80
Register No. 714	July 30, 2013	Direct Deposit:17341-17369	Total: \$	12,319.42
Register No. 715	July 30, 2013	Check Nos. 183376-183408	Total: \$	88,646.73
Register No. 716	July 31, 2013	Check Nos. 183409-183414	Total: \$	8,296.00
Register No. 717	August 1, 2013	Direct Deposit:17370-17382	Total: \$	2,299.92
Register No. 718	August 1, 2013	Check Nos. 183415-183466	Total: \$	191,648.20
Register No. 719	August 1, 2013	Direct Deposit:17383-17384	Total: \$	93.40
Register No. 720	August 1, 2013	Check Nos. 183467-183537	Total: \$	155,123.36
Register No. 721	August 2, 2013	Bond Wires:162-162	Total: \$	7,077.36
Register No. 722	August 2, 2013	Check Nos. 183538-183547	Total: \$	8,046.75
Register No. 723	August 2, 2013	Direct Deposit:17385-17386	Total: \$	595.87
Register No. 724	August 2, 2013	Check Nos. 183548-183552	Total: \$	15,189.39
Register No. 725	August 2, 2013	Check Nos. 183553-183553	Total: \$	1,850.00
			<u>Total: \$</u>	<u>564,332.07</u>

Consent Agenda Item Nos. 1, 4, 5, 6, 8, 9, and 10 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MAINTENANCE AGREEMENT WITH AUTOMATED BUSINESS PRODUCTS FOR AN MPC4500 COPIER, SERIAL NO. 24177090-2161239, LOCATED IN INFORMATION SYSTEMS

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3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON BUSINESS SOLUTIONS FOR AN IR1023 COPIER, SERIAL NO. TJR28622, LOCATED IN THE SHERIFF'S OFFICE - JAIL INDUSTRIES**
4. **ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTIONS 6-2-D-9, 6-3-D-8, 6-4-D-9, 6-5-D-9, AND 6-6-D-5 TO REQUIRE WATERWAY MANAGEMENT AND TRAIL EASEMENTS FOR LARGE SCALE DEVELOPMENTS** *(Continued from the July 2, 2013 Commission meeting)*

The commissioners requested that Consent Agenda Item No. 4 be continued to a future meeting of the Board, on a date yet to be determined.

CONTINUED WITHOUT DATE

5. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE UTAH COUNTY CLERK/AUDITOR'S OFFICE AND AMERICAN FORK CITY FOR THE ADMINISTRATION OF THEIR 2013 MUNICIPAL PRIMARY AND GENERAL ELECTIONS**
6. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE UTAH COUNTY CLERK/AUDITOR'S OFFICE AND LEHI CITY FOR THE ADMINISTRATION OF THEIR 2013 MUNICIPAL PRIMARY AND GENERAL ELECTIONS**
7. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE UTAH COUNTY CLERK/AUDITOR'S OFFICE AND PROVO CITY FOR THE ADMINISTRATION OF THEIR 2013 MUNICIPAL PRIMARY AND GENERAL ELECTIONS**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE PORTABLE RESTROOM AGREEMENT WITH UNITED SITE SERVICES FOR THE WELL4LIFE "SQUIRT THE SASQUATCH" 5K RUN TO BE HELD AUGUST 10, 2013** *(Continued from the July 30, 2013 Commission meeting)*

Utah County Health Department Executive Director Dr. Joseph K. Miner requested that the commissioners strike this item from the agenda.

STRICKEN

10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH TRUE NORTH TREATMENT CENTER FOR TREATMENT AND RECOVERY SUPPORT SERVICES THROUGH THE ACCESS TO RECOVERY III FEDERAL GRANT**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROFESSIONAL SYSTEMS TECHNOLOGY, INC. TO PROVIDE SERVICES FOR THE TESTING, INSPECTION, AND REPAIR OF THE FIRE ALARM SYSTEMS IN THE SECURITY CENTER**
15. **ADOPT A RESOLUTION REGARDING LINDON CITY'S NOTICE OF INTENT TO SUBMIT AN OPINION QUESTION TO ITS VOTERS REGARDING THE IMPOSITION OF A "CARE" TAX**

Commissioner Anderson commented that Lindon City will have an item on their ballot regarding a "CARE" tax for cultural arts, which is only permitted if Utah County declares it would not have a similar item.

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ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 10 were **ratified**; Nos. **2, 3, and 9** were **tabled** for further discussion; Nos. **4, 5, and 6** were **approved**; No. **7** was **continued** to the August 13, 2013 meeting of the Board; and No. **8** was **adopted**. **Regular Agenda Item Nos. 2, 3, 10, and 12** were **approved and authorized**; Nos. **4, 5, 6, 7, and 15** were **adopted**; and No. **8** was **stricken** from the agenda.

AGREEMENT NOS.: 2013-544, 2013-545, 2013-546, 2013-547, 2013-548, 2013-549, 2013-550, 2013-551, 2013-552, 2013-553 and 2013-554

RESOLUTION NOS.: 2013-85, 2013-86, 2013-87, 2013-88 and 2013-89

The commissioners chose to momentarily skip Consent Agenda Item No. 2 while waiting for a representative of Information Systems, and instead addressed Consent Agenda Item No. 3 before continuing with the posted calendar.

REGULAR AGENDA

(PULLED FROM CONSENT)

3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN PROVO CITY AND UTAH COUNTY FOR THE 2013 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

Commissioner Ellertson noted some redundancy within Section 1 of the agreement and asked Dalene Higgins of the Utah County Sheriff's Office to work with Cort Griffin of the Utah County Attorney's Office to clarify that portion.

Commissioner Ellertson made the motion to approve the interlocal agreement between Provo City and Utah County for the 2013 Byrne Justice Assistance Grant (JAG) Program Award as described in Consent Agenda Item No. 3. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-555

(PULLED FROM CONSENT)

9. APPROVE THE MINUTES OF THE JULY 30, 2013 COMMISSION MEETING

Commissioner Ellertson asked that Work Session Item No. 1 on page 13 of the July 30, 2013 Commission meeting minutes include information regarding past episodes of *County Seat TV* being available online. The minutes were approved with this correction.

Commissioner Ellertson made the motion to approve the minutes of the July 30, 2013 Commission meeting as detailed in Consent Agenda Item No. 9. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

APPROVED

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR AUGUST 2013

Toni Carpenter of the Utah County Health Department was recognized as the Utah County Employee of the Month for August 2013.

Information Systems Director Neil Peterson joined the meeting at this time, and the commissioners returned to previously tabled Consent Agenda Item No. 2.

REGULAR AGENDA

(PULLED FROM CONSENT)

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MAINTENANCE AND SUPPORT AGREEMENT WITH COMPELLENT FOR THE DATA STORAGE SYSTEM

Commissioner Ellertson questioned the lack of a dollar amount contained within the agreement, and Information Systems Director Neil Peterson explained that there had been some difficulty obtaining a contract from this vendor. Mr. Peterson mentioned that several companies prefer the flexibility in sending an invoice as determined by their published rates. The cost of this agreement will be \$12,457.52 as noted within the agenda request details.

Commissioner Anderson made the motion to approve and authorize the maintenance and support agreement with Compellent for the Data Storage System as defined in Consent Agenda Item No. 2. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-556

The commissioners moved forward with the agenda as numbered.

REGULAR AGENDA

9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH LINGUISTICA INTERNATIONAL FOR INTERPRETATION AND TRANSLATION SERVICES

Robert Johnson of the Utah County Department of Drug and Alcohol Prevention and Treatment explained that this contractor is no longer being used; this instance was a one-time extenuating circumstance because a state contract was not available when needed. He clarified for Utah County Clerk/Auditor Bryan E. Thompson that the county would normally use state contract pricing.

Commissioner Anderson made the motion to approve and authorize the agreement with Linguistica International for interpretation and translation services as outlined in Regular Agenda Item No. 9. The motion was seconded by Commissioner Ellertson, and discussion continued.

Commissioner Witney pointed out a comment from the Utah County Purchasing Agent Julie Rollins regarding the terms of the contract existing from January 1, 2013 through June 30, 2013, and Robert Johnson confirmed that this agreement is taking place after the fact.

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The motion carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2012-557

11. APPROVE OR DENY A REQUEST FROM THE OLLIE KAI HEBB MEMORIAL TO WAIVE THE EVENT PERMIT FEE IN THE AMOUNT OF \$200.00 FOR USE OF A PORTION OF THE MURDOCK CANAL TRAIL, FOR THE "H2O RUN" TO BE HELD SEPTEMBER 14, 2013

There was some discussion between the Utah County Commissioners and the Utah County Public Works Director Richard Nielson regarding the non-profit status of the Ollie Kai Hebb Memorial. When Utah County Deputy Attorney David Shawcroft mentioned that their Internal Revenue Code 501(c)(3) status had not yet been approved by the IRS (Internal Revenue Service), Utah County Deputy Attorney clarified that the group is incorporated. Utah County Public Works Associate Director Don Nay added that Utah County Policy does not require specifically a 501(c)(3) designation for an organization to be considered charitable.

Commissioner Anderson made the motion to waive the \$200 event permit fee for the Ollie Kai Hebb Memorial for use of a portion of the Murdock Canal Trail for the "H2O Run" to be held September 14, 2013 as discussed in Regular Agenda Item No. 11, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-558

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2009-83 WITH TRINITY SERVICE I LLC (FORMERLY KNOWN AS COMPASS GROUP, USA INC.) FOR INMATE COMMISSARY SERVICES

Lieutenant Nancy Killian of the Utah County Sheriff's Office approached the bench. This item is only an amendment to an existing contract for commissary services at the jail; Trinity Service I LLC has erroneously been under-charging the county for certain supplies in the last couple of years. They have corrected the oversight, and this amendment will reflect the correct pricing.

Commissioner Anderson made the motion to approve and authorize the amendment to Agreement No. 2009-83 with Trinity Service I LLC (formerly known as Compass Group, USA Inc.) for inmate commissary services as specified in Regular Agenda Item No. 13. The motion was seconded by Commissioner Ellertson, and discussion continued.

Commissioner Witney questioned whether the name change of the company would require another bidding process by the county. Both Lt. Nancy Killian and Utah County Clerk/Auditor Bryan E. Thompson assured him that correct procedure has been followed.

The motion carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson**

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NAY: None

AGREEMENT NO. 2012-559

Utah County Sheriff James O. Tracy added for the record that while some of the items were priced even lower than could be hoped for, other items cost more because they are specially prepared for a secure environment. He noted that inmates can be quite ingenious in creating weapons or improper devices out of what most would consider benign items.

14. SELECT A FEASIBILITY CONSULTANT TO CONDUCT A FEASIBILITY STUDY ON THE PROPOSED INCORPORATION OF WEST MOUNTAIN CITY, AND APPROVE AND AUTHORIZE THE CHAIR TO EXECUTE AN AGREEMENT BETWEEN THE FEASIBILITY CONSULTANT AND UTAH COUNTY TO CONDUCT THAT FEASIBILITY STUDY

Utah County Deputy Attorney Robert J. Moore summarized that in the bidding process for a Feasibility Consultant to conduct a Feasibility Study on the proposed incorporation of West Mountain City, the best offer had been for \$12,090.00. The next two closest competitors had sought contracts in the \$25,000 range. The commissioners asked about the winning bid, and Utah County Clerk/Auditor Bryan E. Thompson noted the funding to come from the 41550 account.

Robert J. Moore mentioned an option from the company to save approximately \$1,200 by eliminating two meetings with the general public from the proposal, and Commissioner Anderson indicated that the value of the sessions to the process would outweigh the cost to the county. Mr. Moore agreed that it would provide for a better study overall.

Commissioner Anderson made the motion to select the Feasibility Consultant to conduct the Feasibility Study on the proposed incorporation of West Mountain City, approving and authorizing the agreement between the Feasibility Consultant and Utah County as identified in Regular Agenda Item No. 14. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-560

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY
STRICKEN

20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED
STRICKEN

Commissioner Anderson made the motion to strike Regular Agenda Item Nos. 18 and 20 to set dates, times and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

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AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Anderson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Anderson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Anderson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:37 A.M. to go into closed meetings. The public meeting reconvened at 10:54 A.M.

Commissioner Anderson made the motion to adjourn the August 6, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:54 A.M. The minutes of the August 6, 2013 Commission Meeting were approved as transcribed on August 13, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

